



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

OCTOBER 19, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Pastor Bill Wolverton of Tower Community Four Square Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "DOMESTIC VIOLENCE AWARENESS MONTH" – All Councilmembers

Proclamation of "STUDENTS AGAINST VIOLENCE EVERYWHERE (S.A.V.E.) WEEK" – All Councilmembers

Presentation of P.R.I.D.E. Team Certificates (*Reception immediately following – 2nd floor foyer*)

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of October 5, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:30 p.m.)

- A. Approve the sale of a portion of Howard Street, at Washington Avenue, to the Fresno Unified School District – Public Works Dept.

Action Taken:

- B. Consideration of approval of an Agreement between the City and the Internal Revenue Service (IRS) for IRS employee parking – Public Works Dept.

Action Taken:

- C. * **RESOLUTION** - 421st amendment to MFS Resolution No. 80-420 to include a half price discount for monthly transit convenience passes being sold beginning on the 15th of each month – Transportation Dept.

Action Taken:

- D. **RESOLUTION** - Authorizing the Police Chief to enter into agreement with the California Highway Patrol for the California Office of Traffic Safety CHP's DUI College Corridor Grant Project – Police Dept.

Action Taken:

1. * **RESOLUTION** – 32nd amendment to AAR No. 2004-209 appropriating \$20,000 in grant funds from the California Highway Patrol for the DUI College Corridor Project (***Requires 5 affirmative votes***)

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. * **RESOLUTION** - 13th amendment to AAR No. 2004-209 appropriating \$492,000 in grant funds from the U.S. Department of Homeland Security (DHS) to fund equipment for Terrorist First Responders, terrorism prevention and the Citizens Corps Program **(Requires 5 affirmative votes)** - Police Dept.
Action Taken:
- F. * Award a requirements contract to Southern Counties Oil Co. of Orange, CA for supply of ultra low sulfur diesel fuel – General Services Dept./Purchasing/Fleet Mgmt. /Transportation Dept.
Action Taken:
- G. **RESOLUTION** - Authorizing submittal of a grant application to the California Parks and Recreation Department under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, State Urban Parks and Healthy Communities Program, for the construction of a bike/BMX Freestyle park at Mosqueda Community Center, located on the southeast corner of Maple and Butler Avenue – PR&CS
Action Taken:
- H. **RESOLUTION** – Authorizing submittal of a grant application to the California Parks and Recreation Department under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, Youth Soccer and Recreation Development Program, for the enhancement of Victoria West Community Park at the southeast corner of Clinton and Brawley Avenues – PR&CS
Action Taken:
- I. Consideration of proposed Shields-Cornelia No. 2F Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 20 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno **(Property Located in District 1)** – Planning and Development Dept.
Action Taken:
1. Consider and adopt the environmental finding of Environmental Assessment No. R-03-25/T-4544, dated July 29, 2003, that the project proposed conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
2. * **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Shields-Cornelia No. 2F Reorganization.
Action Taken:
- J. Approve the purchase of the Emergency Reporting, Inc. software for providing of the National Fire Incident Reporting System (NFIRS) and authorize the Fire Chief to enter into the contract – Fire Dept.
Action Taken:
- K. Adopt the Side Letter Agreement between the City of Fresno (City) and the International Association of Firefighters, Local 753 (IAFF) Fire Management (Unit 10), to be attached to the current Memorandum of Understanding (MOU) – Personnel Department
Action Taken:
- L. Approve appointments of Lori Cherry and Rojelio (Roy) Vasquez to the Planning Commission – Mayor Autry
Action Taken:
- M. **BILL – (For introduction)** - To allow for free parking for qualified low emission vehicles at meters and various select City-owned facilities (permanently changes prior ordinance for 1 year test period) – Public Works Dept.
Action Taken:
- N. **BILL – (For introduction)** – Amending Section 9-811 of the Fresno Municipal Code relating to the maintenance and security of vacant buildings within the City of Fresno - Code Enforcement Division
Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

- A. **RESOLUTION** – Supporting Measure B – Fresno County Public Library Transaction and Use Tax Ordinance– Council President Castillo
Action Taken:
- B. Request City Manager to direct staff to cooperate with the Housing Authority to immediately convert the \$400,000 rental rehabilitation contract to a Senior Rehabilitation Program – Councilmember Boyajian
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M. #1

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

- A. **SCHEDULED PUBLIC COMMENT** – Appearance by Gary Dennis to introduce and request Council support of the organization of the California HIV AIDS Advocacy Network Grassroots Evolution of San Joaquin Valley (CHAANGE)
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:30 A.M.#2

Discussion and direction regarding the status of alternate funding mechanisms for the installation of water meters – Council President Castillo
Action Taken:

9:40 A.M. * **BILL NO. B-104 - (For adoption)** – Repealing Article 2 of Chapter 6 and adding Article 2 to Chapter 6 to the Fresno Municipal Code relating to cable communications systems – City Manager's Office
Action Taken:

- a. **RESOLUTION** - Granting an extension of the non-exclusive cable television franchise held by Comcast of Fresno Inc.
Action Taken:

10:00 A.M.

HEARING to consider Rezone Application No. R-04-13, and environmental findings, filed by Yamabe and Horn on behalf of Jeffrey Wall, pertaining to 9.3 acres of property located on the east side of North Brawley Avenue between West Clinton and West Princeton Avenues
(Property located in District 1)

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-13/T-5285, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
- b. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the AL-20 (Limited Agricultural - County) zone district **to** the R-1/UGM (Single Family Residential/Urban Growth Management) zone district
Action Taken:

COUNCIL HEARINGS AND MATTERS CONTINUED

10:05 A.M. HEARING to consider Rezone Application No. R-04-49, and environmental findings, filed by Hung Nguyen, pertaining to 0.54 acres of property located on the northwest corner of East Olive Avenue and North Angus Street **(Property located in District 7)**

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-49, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the C-P (*Administrative and Professional Office*) zone district **to** the C-6 (*Heavy Commercial*) zone district

Action Taken:

10:45 A.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters related thereto - Finance Dept.

Action Taken:

- a. * **RESOLUTION** - Approving the issuance of the California Statewide Communities Development Authority qualified 501 (c) (3) revenue bonds (Trinity Health Credit Group), Series 2004A in the aggregate principal amount not to exceed \$16,000,000 for the purpose of financing and the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto

Action Taken:

2:00 P.M.#1

CLOSED SESSION

- A. **THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code Section 54957 -**
Consultation with: Police Department, Police Chief Dyer
Action Taken:

- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Government Code**
Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Clifford Tutelian, et al., Fresno Superior Court Case No. 03 CE CG 02180 DSB
Action Taken:

- C. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code**
Section 54956.9, Subdivision (b)(1)
Significant Exposure to Litigation:
1. **Case Name:** SBC Pacific Bell v. City of Fresno, et al.
Action Taken:

- D. **CONFERENCE WITH LEGAL COUNSEL – FRIEND-OF-THE-COURT-PARTICIPATION -**
Government Code Section 54954.2,
1. Natural Resources Defense Council v. Patterson (East. Dist. CA, CIV S-99-1658 LKK)
Action Taken:

- E. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Government Code Section 54957
Title: City Clerk
Title: City Attorney
Action Taken:

2:00 P.M. #2

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

CONTESTED CONSENT CALENDAR

3:00 P.M. #2

CONTINUED HEARING to consider Rezone Application No. R-04-20, Conditional Use Permit Application No. C-03-89, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen, pertaining to a 28.01-acre parcel of land located generally on the southwest corner of West Ashlan Avenue and Parkway Drive **(Property located in District 1) (Continue to 10/26/2004 @ 9:30 a.m.)**

Action Taken:

3:00 P.M.#3

CONTINUED HEARING – To consider Plan Amendment Application No. A-03-17, initiated by the Planning and Development Director upon request by District 5 Councilmember Mike Dages, relating to amendments to Roosevelt Community Plan Policy Nos. 1-17.1 and 17.3 **(Property located in Districts 3, 4, 5, 7) (Request to continue to November 9, 2004 @ 3:30 p.m.)**

Action Taken:

3:15 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of September 21 and 28, 2004

Action Taken:

- A. Approve responses to the 2003-2004 Grand Jury Report – City Manager's Office
 - 1. Approve City responses to Grand Jury Report
 - 2. Approve Redevelopment Agency response to the Grand Jury Report

Action Taken:
- B. **RESOLUTION** - Finding that the proposed amendments to the Convention Center Redevelopment Plan do not require establishing a project area committee, and approving and directing formation of a Citizens Advisory Committee **(Council and Agency action)**
Action Taken:
- C. Consideration and direction on report by the Agency Board Committee regarding process for recruitment of Executive Director – Councilmember Sterling
Action Taken:
- D. Accept City Manager's Office recommendations to retain Matrix Consulting Group/Rosenow Spavacek to conduct a management study of the Redevelopment Agency. Authorize Agency Committee to negotiate a contract with Matrix Consulting Group/Rosenow Spavacek and to return to the Agency Board for contract approval and contract funding – Councilmember Sterling
Action Taken:

RECESS AGENCY

4:30 P.M.

Historic Preservation – Planning and Development Dept.

- 1. Consider nominations to the Local Register of Historic Resources
 - a. **RESOLUTION** - Designating Benham Ice Cream Company/Dale Brother s Coffee Company, located at 1420 and 1432 "H" Street, to the Local Register of Historic Resources **(Historic Preservation Commission recommendation)**
Action Taken:
 - b. **RESOLUTION** - Designating the Benham Ice Cream Company/Dale Brothers Coffee Company building, located at 1420 "H" Street, to the Local Register of Historic Resources **(Staff recommendation)**
Action Taken:

COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

A. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONCERNING MATTERS RELATING TO PLAN AMENDMENTS, REZONINGS, AND HOPE VI PROJECT - Planning and Development Dept.

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-04-17, R-04-42 **(Council and Agency action)**

Action Taken:

2. Consider matters regarding amending two Redevelopment Plans:

- a. **RESOLUTION** – Adopting findings in response to written objections to the adoption of the proposed amendments as reflected by the 2004 Amended and Restated Southwest Fresno GNRA Project Urban Renewal Plan **(Council action)**

Action Taken:

- b. * **BILL** – Approving the proposed plan amendments as reflected by the 2004 Amended and Restated Southwest Fresno GNRA Project Urban Renewal Plan **(Council action)**

Action Taken:

- c. * **BILL** – Approving the proposed plan amendments as reflected by the 2004 Amended and Restated Fruit/Church Project Redevelopment Plan **(Council action)**

Action Taken:

3. Consideration of Plan Amendment Application No. A-04-17, Rezone Application No. R-04-42 and environmental findings, filed by Dirk Poeschel Land Development Services for the Housing Authority of the City of Fresno, pertaining to 94-acres located in the HOPE VI Project Area generally bounded by W. California Avenue, Fresno Street and Martin Avenue on the north, S. Walnut Avenue on the east, W. Church Avenue on the south, and S. West Avenue on the west **(Council action)**

Action Taken:

- a. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Edison Community Plan to change the planned land uses in the HOPE IV project area **(Council and Agency action)**

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone various parcels in the HOPE VI project area **(Council action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	26 -	8:30 A.M.	Presentation of Fresno Area Express Driver Appreciation Awards
Oct.	26 -	9:30 A.M.#1	WORKSHOP and direction regarding Cal Trans/City partnership – Public Works Dept. and Planning and Development Dept.
Oct.	26 -	9:30 A.M.#2	CONTINUED HEARING to consider Rezone Application No. R-04-20, Conditional Use Permit Application No. C-03-89, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen,
Oct.	26 -	10:00 A.M.	HEARING re: approving vacation of the northwest four feet of Amador Street betw. "H" St. and Broadway Street
Oct.	26 -	10:05 A.M.	HEARING re: vacation of a portion of James St. betw. Herndon and Elgin Avenues and Farrington St. betw. Freeway 99 and James St.
Oct.	26 -	10:10 A.M.	HEARING re: CFD No. 2, Annexation No. 78, Final Tract Map No. 5078
Oct.	26 -	10:15 A.M.	HEARING re: CFD No. 2, Annexation No. 80, Final Tract Map No. 5228
Oct.	26 -	10:20 A.M.	HEARING re: Plan Amendment No. A-03-16, Rezone Appl. No. R-03-77, filed by Copper River Ranch
Oct.	26 -	11:00 A.M.	Acceptance of the Civil Service Board recommendation that elected officials' compensation remain the same – Personnel Services Dept.
Oct.	26 -	2:30 P.M.	CONTINUED JOINT HEARING to consider approval of the Disposition and Development Agreement between the RDA and "master developer" Noyan/Frazier Properties LLC. , and sale of the Mid State Bowl property at the southwest corner of Clinton and Weber Avenues
Oct.	26 -	2:45 P.M.	CONTINUED JOINT HEARING re: Certification of EIR for Old Armenian Town Project and approval of DD&A
Oct.	26 -	3:00 P.M.	WORKSHOP re: new fee schedule for fire inspections
Oct.	26 -	3:30 P.M.	HEARING re: amending fees for Fresno Metro Flood Control District
Nov.	2 -	NO MEETING – ELECTION DAY	
Nov.	9 -	10:00 A.M.	Presentation of Employee Service Awards (<i>Reception immediately following – 2nd floor foyer</i>)
Nov.	9 -	2:30 P.M.	HEARING re: Text Amendment No. TA-04-02, relating to temporary waiver of UGM fire service development restrictions – Planning and Dev. Dept.
Nov.	9 -	3:30 P.M.	CONTINUED HEARING re: Plan Amendment Application No. A-03-17, initiated by the Planning and Development Director upon request by District 5
Nov.	16 -	NO MEETING – VETERAN'S DAY	
Nov.	23 -	NO MEETING – THANKSGIVING WEEK	
Nov.	30 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258
Nov.	30 -	10:05 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295
Dec.	7 -	REGULAR MEETING	
Dec.	14 -	4:30 P.M.	CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Dec.	21 -	NO MEETING – CHRISTMAS WEEK	
Dec.	28 -	NO MEETING – NEW YEAR'S WEEK	